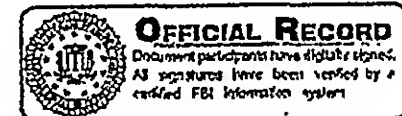


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FEDERAL BUREAU OF INVESTIGATION
Electronic Communication

Title: (U) SHOOTING INCIDENT OKLAHOMA CITY
DIVISION 05/04/2011

Date: 05/17/2013

From: INSPECTION
DA-INSPECTION MANAGEMENT UNIT
Contact: [REDACTED]

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Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

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Case ID #: 297-HQ-A1271801-D (U) SHOOTING INCIDENTS

Synopsis: (U) The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred in the Oklahoma City Division on 05/04/2011. Special Weapons and Tactic (SWAT) team Special Agents (SAs)

[REDACTED]
[REDACTED] as well as two Oklahoma Highway Patrol (OHP) Troopers, fired rounds at a subject aiming an AK-47 in the direction of law enforcement personnel. SIRG members recommended that no administrative action be taken against the Agents as a result of their involvement in this shooting incident.

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Administrative Notes: (U) Reference report of Inspector [REDACTED]
[REDACTED] dated 06/13/2011.

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Details:

On 05/03/2011, at approximately 9:42 p.m., Supervisory Special Agent (SSA) [REDACTED] of the Jacksonville Division, telephonically contacted Oklahoma City ASAC [REDACTED] and JTTF SSA [REDACTED]. SSA [REDACTED] advised the Jacksonville Division obtained a federal arrest warrant for Sandlin Matthews Smith, who was considered armed and dangerous, and was wanted for the bombing of a mosque in Jacksonville. SSA [REDACTED] advised Smith was believed to possess explosives and an AK-47 rifle; was known to abuse drugs and alcohol; and, was possibly suicidal. Smith's cellular telephone was tracked to the vicinity of Enid, Oklahoma. SSA [REDACTED] advised Smith operated a black Toyota Tundra with a Florida license plate and a

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Title: (U) SHOOTING INCIDENT OKLAHOMA CITY DIVISION 05/04/2011

Re: 297-HQ-A1271801-D, 05/17/2013

silver tool box in the bed. He also provided Smith's drivers license information and a photograph via blackberry.

Assistant Special Agent in Charge (ASAC) [] contacted Special Agent in Charge (SAC) James E. Finch, while SSA [] contacted the Oklahoma Highway Patrol Troop responsible for the Enid territory. SAC Finch was briefed on the information provided by SSA [] and authorized the deployment of the division's SWAT team. ASAC [] was designated the On-Scene Commander (OSC). As SSA [] and ASAC [] proceeded to Enid, SSA [] advised SSA [] that recent information indicated Smith's phone was stationary in the area of Glass Mountain State Park. The SWAT team was redirected by ASAC [] to travel to Glass Mountain, located in Orienta.

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Upon arrival in Orienta, ASAC [] and SSA [] met with OHP personnel and established a forward command post. The OHP, with the assistance of a Oklahoma Department of Wildlife Game Warden Officer, established a perimeter around the state park with roadblocks at all exits.

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SSA [] continued to relay information as it was obtained through ongoing interviews in the Jacksonville area. Investigation determined Smith made "goodbye" calls and stated he "cannot do twenty," meaning he could not go to prison. Interviews revealed Smith made recent statements referring to dying at the hands of law enforcement because he could not go to prison, and could not kill himself. During the execution of a search warrant at Smith's residence, Agents seized ammunition for a .270 caliber weapon wrapped in tin foil which indicated a triggering device for an Improvised Explosive Device (IED).

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Although continuous attempts were made throughout the night to contact Smith via his cellular phone in order to initiate negotiations, Smith never answered. No additional "pinging" was detected, indicating the phone was most likely turned off.

On 05/04/2011, at approximately 1:30 a.m., the Oklahoma Division SWAT team arrived at Glass Mountain and established a joint

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Title: (U) SHOOTING INCIDENT OKLAHOMA CITY DIVISION 05/04/2011
Re: 297-HQ-A1271801-D, 05/17/2013

command post with the OHP.

ASAC [] and Team Leader (TL) [] initially devised a two part plan to apprehend Smith. The first part of the plan established and [] south of Smith's location. The second part of the plan, involved the [] Smith as he was leaving the park. The operation plan was briefed to the entire Oklahoma Division SWAT team and Assistant TL SA [] assigned specific roles to each team member. Team members rehearsed the [] scenario focusing on officer safety concerns due to the intelligence regarding Smith's use of explosives, possession of firearms, drug and alcohol abuse, and his overall mental instability.

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At approximately 3:00 a.m., TL [] directed the deployment of a [] comprised of SAs [] and [] to a location atop a large butte which overlooked the area where Smith's cellular telephone last transmitted a signal. The Agents were instructed to search for Smith near the base of the back side of the butte and report on his location; however, due to dangerous conditions they returned before reaching their assigned position.

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At approximately 7:00 a.m., the Oklahoma City Division surveillance airplane arrived in the area to assist in the search for Smith and his truck. At approximately 7:15 a.m., the surveillance spotted a vehicle and tent in the same location as the last known Global Positioning Satellite (GPS) coordinates for Smith's telephone. The tent was essentially a one-person cot with a supported fabric cover and flaps to enter and exit. At 7:30 a.m., the [] of SAs [] and [] established an elevated position atop a butte 210 yards south of Smith's tent and vehicle. SAs [] and [] observed and reported the entrance flap of the tent was facing to the north and SA [] observed what he believed to be a subject laying on a cot inside. Between 9:30 and 10:00 a.m., SA [] could see the top

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Title: (U) SHOOTING INCIDENT OKLAHOMA CITY DIVISION 05/04/2011

Re: 297-HQ-A1271801-D, 05/17/2013

of Smith's head inside the tent. Later SA [] observed Smith exit the tent, look around, sit up on the edge of the cot, then lay back down on the cot with his hands across his chest. He saw Smith's head extend outside the tent's door-flap and then quickly retreat inside on at least two occasions.

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The operations plan was modified to approach to Smith's position, attempt to engage him verbally, and persuade him to surrender. The plan was to []

[] From his position, SA [] would verbally guide the drivers of the SWAT vehicles into close proximity of Smith's position. Once vehicles were in place, SA [] was to cover Smith [] with SWAT members []

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TL [] was to give verbal commands directing Smith to surrender. The SWAT team was assembled and briefed by TL [] on the modified operations plan which covered all facets of the operation including situation, mission, execution, administration/equipment, and control/communication. Other contingencies were addressed including medical issues, specifically staging an ambulance with paramedics nearby in the event of a critical injury.

Prior to deployment, SSA [] recited the FBI Deadly Force Policy over the FBI radio to all SWAT team members, who responded by affirming their understanding of the policy.

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The SWAT team, staged at the Command Post, just outside Glass Mountain State Park, began their approach to Smith's location in the [] shortly before 12:00 p.m. At approximately 12:30 p.m., the SWAT vehicles arrived near Smith's location while Smith remained under surveillance by the [] The [] stopped approximately 40-50 yards away from Smith's location. TL [] identified the presence of the FBI, and gave verbal commands to surrender, including: "Sandlin Smith, you are under arrest. This is the FBI. Please come out of the tent with your hands over your head. We do not want to hurt you." These commands were repeated for over one

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Title: (U) SHOOTING INCIDENT OKLAHOMA CITY DIVISION 05/04/2011

Re: 297-HQ-A1271801-D, 05/17/2013

hour with no response from Smith. OSC [] TL [] and SSA [] considered, based on Smith's drug and alcohol history, Smith may have overdosed, passed out or committed suicide. SAs [] and [] continued to observe Smith while the verbal commands were given and advised TL [] that Smith appeared to be "completely out." As a result, TL [] consulted the OHP Trooper Negotiator regarding options.

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After a long period of unsuccessful attempts to engage Smith in conversation, an OHP Lieutenant offered the use of a canine to obtain a response from Smith. TL [] met with the OHP canine handlers, while SA [] continued to use the PA system to call out to Smith. OSC [] approved modifying the plan to use the OHP canine and SWAT personnel to protect the canine unit.

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The OHP canine unit personnel met with TL [] to discuss details of the canine unit's operation, including the need for FBI personnel to remain in their positions as motionless as possible. TL [] was briefed on the canine teams' capabilities, and was advised if Smith was asleep, the canine would not bite. The canine team was provided with an FBI radio for communications and proceeded to Smith's tent.

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TL [] advised all SWAT members the Oklahoma Troopers would deploy a canine, and to maintain their positions. The SWAT team was told to remain motionless to prevent the canine from becoming distracted from the intended target. Subsequently, OHP Troopers [] and Canine Trooper [] moved closer to the tent, and noted the positions of the FBI SWAT team positioned east of the tent. Trooper [] obtained target identification with the canine, and deployed the dog which started moving toward the FBI SWAT SAs; however, with a subsequent command the dog turned toward Smith according to Trooper [] it appeared Smith saw the canine advancing and reached down and grabbed a black rifle, with his hand on the pistol grip. Believing Smith posed an imminent threat to law enforcement officers on the scene, Trooper [] fired multiple

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Title: (U) SHOOTING INCIDENT OKLAHOMA CITY DIVISION 05/04/2011
Re: 297-HQ-A1271801-D, 05/17/2013

rounds from his Colt Model M-4, .223 caliber carbine. Trooper [] observed the dog make contact with Smith and retreat. Smith reached into the tent and came out with an assault weapon in his left hand pointing the weapon at the FBI SWAT team. Trooper [] fired four rounds from his Colt Model M-4, .223 caliber carbine.

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Observing the subject with a gun and believing he posed an imminent threat to law enforcement officers at the scene, SA [] fired one round from his Colt Model M-4, .223 caliber carbine; SA [] fired multiple rounds from his Rock River Arms Model LAR-15, .223 caliber carbine; SA [] fired multiple rounds from his Colt Model M-4 A1, .223 caliber carbine; SA [] fired one round from his Cot Model M-4 A1, .223 caliber carbine; SA [] fired one round from his Rock River Arms, Model LAR-15, .223 caliber carbine; and SA [] fired one round from his HS Precision Model 2000, .308 caliber sniper rifle.

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When the gunfire stopped, Smith was prone, face down next to his tent, with a rifle within his reach. In order to ensure a safe approach, OHP Trooper []

To determine if Smith was feigning injury, Trooper [] discharged a non-lethal [] from a shotgun striking Smith, who did not respond. The FBI SWAT team, using a ballistic shield for protection, approached Smith, removed the rifle and secured him with handcuffs. Agents immediately provided emergency medical assistance to the subject until paramedics arrived and transported him to Fairview Regional Medical Center where Smith was later pronounced deceased.

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On 05/09/2012, Assistant District Attorney (ADA) [] opined the shooting was unavoidable and justified, and he declined prosecution.

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On 08/07/2012, [] Civil Rights Division, USDOJ advised the incident did not warrant criminal investigation.

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On 11/28/2012, the SIRG met to discuss the above-captioned shooting incident. Former Deputy Assistant Director Cory B. Nelson,

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Title: (U) SHOOTING INCIDENT OKLAHOMA CITY DIVISION 05/04/2011
Re: 297-HQ-A1271801-D, 05/17/2013

Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: Former Chief Inspector Eric S. Birnbaum, Office of Inspections (OI), INSD; [redacted] Trial Attorney, Criminal Division, United States Department of Justice (USDOJ); [redacted] Trial Attorney, Civil Rights Division, USDOJ; Section Chief (SC) Jayne L. Challman, Violent Criminal Threat Section, Criminal Investigative Division; SC Gregory D. Cox, Global Section, Counterintelligence Division; Supervisory Special Agent (SSA) [redacted] [redacted] Squad CR-2, Washington Field Office; SSA [redacted] [redacted] Practical Applications Unit, Training Division (TD); SSA [redacted] [redacted] Investigative Law Unit, Office of the General Counsel; SSA [redacted] Evidence Response Team, Laboratory Division; SSA [redacted] Special Weapons and Tactics (SWAT) Operations Unit; Critical Incident Response Group (CIRG); SSA [redacted] [redacted] Firearms Training Unit, TD; and SSA [redacted] Defensive Systems Unit, TD. The following non-voting members were also in attendance: Inspectors [redacted] [redacted] OI, INSD; Assistant Inspector [redacted] [redacted] OI, INSD; SSA [redacted] INSD; Unit Chief [redacted] SWAT Operations Unit, CIRG; [redacted] Occupational Safety and Environmental Programs Unit, Facilities and Logistics Services Division; and Management and Program Analyst [redacted] [redacted] Inspection Management Unit, OI, INSD.

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Observations and Recommendations of the SIRC

The SIRC reviewed the above synopsis incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

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Title: (U) SHOOTING INCIDENT OKLAHOMA CITY DIVISION 05/04/2011

Re: 297-HQ-A1271801-D, 05/17/2013

SIRG members unanimously agreed that the use of deadly force employed by the Agents was justified and in conformance with the FBI's deadly force policy. This discussion resulted in the recommendation that no administrative action be taken against SAs [REDACTED]

[REDACTED] as a result of their involvement in this shooting incident.

No other recommendations or observations were made by SIRG members.

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FEDERAL BUREAU OF INVESTIGATION

Lead Report

Precedence: Routine
Lead Type: Action
Deadline: 08/06/2013
Lead Number: 5

Date: 06/07/2013

From: INSPECTION
DA-INSPECTION MANAGEMENT UNIT
Contact: [REDACTED]

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Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

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Case ID #: 297-HQ-A1271801-D (U) SHOOTING INCIDENTS

Reference: 297-HQ-A1271801-D Serial 132

Details: (U) That no administrative action be taken against SAs [REDACTED]

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[REDACTED]
[REDACTED] as a
result of their involvement in this shooting incident.

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Re: 297-HQ-A1271801-D

Lead: 5, 06/07/2013

Location

To: INSPECTION

Recipient: INSPECTION

Assignee: SHIELDS ROBERT J JR

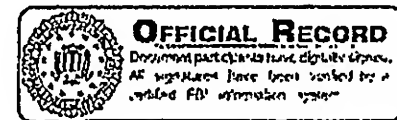
Attn: Acting Assistant Director Robert J. Shields, Jr.

Status: Assigned

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**FEDERAL BUREAU OF INVESTIGATION****Electronic Communication**

Title: (U) SHOOTING INCIDENT NEW YORK FIELD
OFFICE 08/09/2011

Date: 06/07/2013

To: DA-INSPECTION FRONT OFFICE (AD)

From: INSPECTION
DA-INSPECTION MANAGEMENT UNIT

Contact: [REDACTED]

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Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

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Case ID #: 297-HQ-A1271788-D (U) SHOOTING INCIDENTS

Synopsis: (U) The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 08/09/2011, involving Special Agent (SA) [REDACTED] formerly of the New York Field Office, currently assigned to the Training Division. During the execution of an arrest warrant, SA [REDACTED] fired five rounds from his Bureau-issued Colt Model M4, Carbine, killing an attacking pit bull dog. SIRG members recommended that no administrative action be taken against SA [REDACTED] as a result of his involvement in this shooting incident.

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Administrative Notes: (U) Reference Electronic Communication of Supervisory Special Agent (SSA) [REDACTED] dated 10/12/2011.

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Details:

This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned shooting.

Details of the Shooting Incident

On 08/09/2011, at approximately 5:00 a.m., members of the New York Special Weapons and Tactics (SWAT) Team executed an arrest warrant in Yonkers, New York. SWAT breachers knocked on the door of the residence, and announced the presents of the arrest team. After a short time without response, forced entry was made into the residence,

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Title: (U) SHOOTING INCIDENT NEW YORK FIELD OFFICE 08/09/2011

Re: 297-HQ-A1271788-D, 06/07/2013

utilizing a breaching tool. SA [] was the first to enter the residence followed by SA []. Upon entering the SWAT operators were confronted by an aggressive pit bull dog in the living room area. SA [] observed an individual in a bedroom directly ahead, and started to move across the living room SA [] followed SA [] into the living room and focused his attention on the dog. SA [] ordered the dog to "stay", but the pit bull was unresponsive, and became more agitated. As SA [] moved closer to the bedroom, the pit bull moved towards him while barking, growling and baring its teeth. Once the pit bull started to move aggressively towards SA [] posing a threat of serious injury to SA [] SA [] fired 2 rounds at the dog. As the pit bull continued to move towards SA [] SA [] fired 2 additional rounds, and one final round, all in rapid succession killing the pit bull.

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On 11/28/2012, the SIRG met to discuss the above-captioned shooting incident. Former Deputy Assistant Director Cory B. Nelson, Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: Former Chief Inspector Eric S. Birnbaum, Office of Inspections (OI), INSD; [] Trial Attorney, Criminal Division, United States Department of Justice (USDOJ); [] Trial Attorney, Civil Rights Division, USDOJ; Section Chief (SC) Jayne L. Challman, Violent Criminal Threat Section, Criminal Investigative Division; SC Gregory D. Cox, Global Section, Counterintelligence Division; Supervisory Special Agent (SSA) [] Squad CR-2, Washington Field Office; SSA [] Practical Applications Unit, Training Division (TD); SSA [] Investigative Law Unit, Office of the General Counsel; SSA [] Evidence Response Team, Laboratory Division; SSA [] Special Weapons and Tactics (SWAT) Operations Unit; Critical Incident Response Group (CIRG); SSA [] Firearms Training Unit, TD; and SSA [] Defensive Systems Unit, TD. The following non-voting members were also in attendance: Inspectors [] and [] OI, INSD; Assistant Inspector [] OI, INSD; SSA [] INSD; Unit

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Title: (U) SHOOTING INCIDENT NEW YORK FIELD OFFICE 08/09/2011
Re: 297-HQ-A1271788-D, 06/07/2013

Chief [redacted] SWAT Operations Unit, CIRG; [redacted]
Occupational Safety and Environmental Programs Unit, Facilities and
Logistics Services Division; and Management and Program Analyst [redacted]
[redacted] Inspection Management Unit, OI, INSD.

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Observations and Recommendations of the SIRG

The SIRG reviewed the above synopsis incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

SIRG members unanimously concurred that the use of deadly force by SA [redacted] was justified and in conformance with the FBI's Deadly Force Policy. This discussion resulted in the recommendation that no administrative action be taken against SA [redacted] as a result of his involvement in this shooting incident.

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FEDERAL BUREAU OF INVESTIGATION

Lead Report

Precedence: Routine
Lead Type: Action
Deadline: 08/10/2013
Lead Number: 3

Date: 06/11/2013

From: INSPECTION
DA-INSPECTION MANAGEMENT UNIT
Contact: [REDACTED]

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Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

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Case ID #: 297-HQ-A1271788-D (U) SHOOTING INCIDENTS

Reference: 297-HQ-A1271788-D Serial 71

Details: (U) That no administrative action be taken against SSA [REDACTED]
[REDACTED] as a result of his involvement in this shooting
incident.

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Re: 297-HQ-A1271788-D

Lead: 3, 06/11/2013

Location

To: DA-INSPECTION
Recipient: DA-INSPECTION
Assignee: SHIELDS ROBERT J JR
Attn: Chief Inspector Robert J. Shields, Jr.
Status: Covered

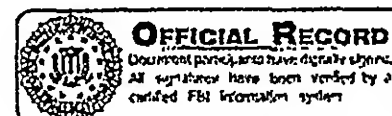
Coverages:

06/14/2013 by SHIELDS ROBERT J JR
Reference: 297-HQ-A1271788-D Serial 71
(U) Read and Cleared

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**FEDERAL BUREAU OF INVESTIGATION****Electronic Communication**

Title: (U) SHOOTING INCIDENT OMAHA DIVISION
08/29/2011

Date: 05/03/2013

To: DO-OFFICE OF PROF RESPONSIBILITY (Route)
INSPECTION (Route) Attn: Section Chief Stuart P. Fronk

From: INSPECTION
DA-INSPECTION MANAGEMENT UNIT
Contact: [REDACTED]

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Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

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Case ID #: 297-HQ-A1271802-D ¹² (U) SHOOTING INCIDENTS

Synopsis: (U) The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 08/29/2011, involving Special Agent (SA) [REDACTED] of the Omaha Division. While "dry firing" his weapon inside his apartment, SA [REDACTED] accidentally discharged one round from his Bureau-issued Glock Model 22, .40 caliber pistol, striking the frame of the window. SIRG members recommended that SA [REDACTED] be censured, suspended from duty for a period of three days, and receive documented remedial firearms training in regard to this shooting incident.

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Administrative Notes: (U) Reference Electronic Communication of Assistant Special Agent in Charge (ASAC) [REDACTED] dated 09/07/2011.

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Details:

This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned shooting.

Details of the Shooting Incident

On 08/29/2011, at approximately 10:40 p.m., SA [REDACTED]

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Title: (U) SHOOTING INCIDENT OMAHA DIVISION 08/29/2011
Re: 297-HQ-A1271802-D, 05/03/2013

[redacted] was "dry firing" his weapon inside his apartment. According to SA [redacted] prior to beginning practice, he emptied and rendered his weapon safe. After several successful draws, he reloaded the pistol. Approximately ten minutes later, SA [redacted] decided to practice drawing his weapon again. Dropping the magazine but forgetting to clear the chambered round, he pointed his weapon toward the living room window, and pulled the trigger. The expended round struck the aluminum frame of the window and penetrated through the screen.

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SA [redacted] immediately notified Omaha Division management of the incident and advised the management of the apartment complex the following day.

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No personal injuries were incurred as a result of SA [redacted] accidental discharge and he paid to have the minimal property damage repaired.

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On 11/28/2012, the SIRG met to discuss the above-captioned shooting incident. Former Deputy Assistant Director Cory B. Nelson, Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: Former Chief Inspector Eric S. Birnbaum, , Office of Inspections (OI), INSD; [redacted] Trial Attorney, Criminal Division, United States Department of Justice (USDOJ); [redacted] Trial Attorney, Civil Rights Division, USDOJ; Section Chief (SC) Jayne L. Challman, Violent Criminal Threat Section, Criminal Investigative Division; SC Gregory D. Cox, Global Section, Counterintelligence Division; Supervisory Special Agent (SSA) [redacted] Squad CR-2, Washington Field Office; SSA [redacted] Practical Applications Unit, Training Division (TD); SSA [redacted] Investigative Law Unit, Office of the General Counsel; SSA [redacted] Evidence Response Team, Laboratory Division; SSA [redacted] Special Weapons and Tactics (SWAT) Operations Unit; Critical Incident Response Group (CIRG); SSA [redacted] Firearms Training Unit, TD; and SSA [redacted] Defensive Systems Unit, TD. The following non-voting members were also in attendance: Inspectors [redacted]

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Title: (U) SHOOTING INCIDENT OMAHA DIVISION 08/29/2011

Re: 297-HQ-A1271802-D, 05/03/2013

[redacted] and [redacted] OI, INSD; Assistant Inspector
[redacted] OI, INSD; SSA [redacted] INSD; Unit
Chief [redacted] SWAT Operations Unit, CIRG; [redacted]
Occupational Safety and Environmental Programs Unit, Facilities and
Logistics Services Division; and Management and Program Analyst [redacted]
[redacted] Inspection Management Unit, OI, INSD.

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Observations and Recommendations of the SIRG

The SIRG reviewed the above synopsis incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

SIRG members unanimously recommended that SA [redacted]
[redacted] be censured, suspended from duty for a period of three days, and receive documented remedial firearms training in regard to this shooting incident.

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FEDERAL BUREAU OF INVESTIGATION

Lead Report

Precedence: Routine
Lead Type: Action
Deadline: 07/06/2013
Lead Number: 1

Date: 05/07/2013.

From: INSPECTION
DA-INSPECTION MANAGEMENT UNIT
Contact: [REDACTED]

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Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

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Case ID #: 297-HQ-A1271802-D (U) SHOOTING INCIDENTS

Reference: 297-HQ-A1271802-D Serial 12

Details: (U) That SA [REDACTED] be censured and suspended from duty for a period of three days in regard to this shooting incident. Additionally, the SIRG has instructed the Special Agent in Charge of the Omaha Division to ensure SA [REDACTED] receives remedial firearms training regarding the proper handling of firearms and to properly document this training.

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Re: 297-HQ-A1271802-D

Lead: 1, 05/07/2013

Location

To: DA-INTERNAL INVESTIGATIONS SECTION

Recipient: DA-INTERNAL INVESTIGATIONS SECTION

Assignee:

Attn: Section Chief Stuart P. Fronk

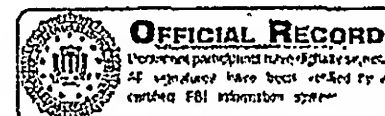
Status: Assigned

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**FEDERAL BUREAU OF INVESTIGATION****Electronic Communication**

Title: (U) SHOOTING INCIDENT CLEVELAND DIVISION
09/03/2011

Date: 07/29/2013

To: DA-INSPECTION FRONT OFFICE

From: INSPECTION

DA-INSPECTION MANAGEMENT UNIT

Contact: [REDACTED]

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Approved By: SHIELDS ROBERT J JR
Nancy McNamara

Drafted By: [REDACTED]

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Case ID #: 297-HQ-A1271292-D (U) Shooting Incident

Synopsis: (U) The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 09/03/2011, involving Special Agent (SA) [REDACTED] of the Cleveland Division. During the apprehension of a violent fugitive Brian Lipp, SA [REDACTED] fired two rounds from his Bureau-issued Rock River LAR-15 rifle. SIRG members recommended that no administrative action should be taken against SA [REDACTED] as a result of his involvement in this shooting incident.

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Administrative Notes: (U) Reference report of Former Inspector Deirdre L. Fike, dated 09/21/2011.

Details:

This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned shooting.

Detail of the Shooting Incident

Brian Lipp was being sought in connection with a violent crime spree which began on 08/29/2011, with the armed robbery of a Rite-Aid Pharmacy in Toledo, Ohio. Three days later Lipp committed an armed robbery of a drug store and was also suspected of being responsible for a home invasion robbery of [REDACTED]

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[redacted] on 08/20/2011, where money and a Ruger 9mm semi-automatic pistol were stolen.

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On 09/02/2011, Toledo Police Department (TPD) officers responded to reports from a business owner who recognized Lipp near a recycling business in the Toledo area. Responding officers conducted a search using K-9s and helicopters with negative results.

09/03/2011, at approximately 9:17 a.m., Lipp was confronted by a TPD officer while walking near the Towne Square Mall in Toledo. Lipp pointed a weapon at the officer, who took cover as Lipp fled the scene on foot. In a second confrontation with the officer, Lipp was captured on video as he brandished a firearm while the officer sought cover behind a vehicle. Lipp conducted an armed carjacking of a citizen and fled the scene in the stolen vehicle. At approximately 9:28 a.m., responding TPD officers pursued Lipp in the stolen vehicle as he entered the northbound lane of I-75 traveling in a southerly direction. Lipp's actions caused a head-on collision between a responding TPD unit and a civilian motorist which resulted in the motorist death.

At approximately 11:00 a.m., the TPD contacted all available task force personnel, to enlist support in apprehending Lipp. SA [redacted] [redacted] a member of the Northwest Ohio Violent Crimes/Fugitive Safe Streets Task Force, contacted SA [redacted] the Acting Supervisory Special Agent, to request approval to participate in the fugitive investigation. SA [redacted] contacted Assistant Special Agent in Charge (ASAC) [redacted] to provide background information of the situation. ASAC [redacted] concurred with providing FBI assistance and instructed SA [redacted] to determine the task force requirements.

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A meeting for all available task force members was scheduled for 11:00 a.m. Prior to leaving his residence, SA [redacted] put on his Bureau-issued ballistic vest and placed his Rock River LAR-15 in the front seat of his vehicle. While traveling towards Toledo, SA [redacted] overheard radio traffic indicating the pursuit of Lipp was headed in his direction. SA [redacted] was traveling southbound on I-75 when the

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suspect passed him in the northbound lanes being pursued by the TPD and Ohio State Highway Patrol (OSHD). SA [] lost visual sighting of the pursuit and heard the radio report of the subject crashing his vehicle.

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As SA [] arrived on the scene, law enforcement personnel were observed confronting the subject who was still inside the stolen vehicle. SA [] retrieved his LAR-15 rifle and proceeded to the site to support the responding officers. According to participants interviewed, Brian Lipp was conscious in the vehicle and waving what appeared to be a semi-automatic pistol. Lipp refused to respond to commands of the responding officers. On one occasion officers observed Lipp smoking a "crack-pipe." At 12:03 p.m., Lipp brandished his weapon in a threatening manner to the responding officers, to include SA [] and several shots were fired in response. SA [] fired two rounds from his LAR-14 rifle.

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Brian Lipp was pronounced dead at the scene and transported to the Lucas County Coroner's Office. A post mortem examination of Lipp determined neither of the two rounds fired by SA [] struck Lipp.

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On 09/26/2011 [] Civil Rights Section, Department of Justice, stated the matter had been reviewed, in consultation with the United States Attorney Office for the Northern District of Ohio, and determined the Agent-involved shooting did not, "warrant a federal criminal investigation of this matter.

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On 05/23/2013, the SIRG met to discuss the above-captioned shooting incident. Acting Assistant Director Robert J. Shields, Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: Acting Chief Inspector Howard S. Marshall, Office of Inspections (OI), INSD; [] Trial Attorney, Criminal Division, United States Department of Justice (USDOJ); [] Special Legal Counsel, Civil Rights Division,

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Title: (U) SHOOTING INCIDENT CLEVELAND DIVISION 09/03/2011
Re: 297-HQ-A1271292-D, 07/29/2013

USDOJ; Section Chief (SC) SC Gregory D. Cox, Global Section, Counterintelligence Division; Special Agent (SA) [REDACTED] Squad CR-2, Washington Field Office; SSA [REDACTED] Practical Applications Unit, Training Division (TD); SSA [REDACTED] Investigative Law Unit, Office of the General Counsel; SSA [REDACTED] Evidence Response Team, Laboratory Division; SSA [REDACTED] Special Weapons and Tactics (SWAT) Operations Unit, Critical Incident Response Group (CIRG); SSA [REDACTED] Firearms Training Unit, TD; and SSA [REDACTED] Defensive Systems Unit, TD. The following non-voting members were also in attendance: Inspectors [REDACTED] OI, INSD; Team Leaders [REDACTED] OI, INSD; SSA [REDACTED] Defensive Systems Unit, TD; [REDACTED] Firearms Training Unit, TD; SSA [REDACTED] Operations and Training Unit, CIRG; SSA [REDACTED] Resource Planning Office, Director's Office; SSA [REDACTED] SWAT Operations Unit, CIRG; Safety and Occupational Health Manager [REDACTED] Occupational Safety and Environmental Programs Unit, Facilities and Logistics Services Division; Management and Program Analyst [REDACTED] Inspection Analysis Unit, INSD; and Management and Program Analysts [REDACTED] and [REDACTED] Inspection Management Unit, INSD.

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Observations and Recommendations of the SIRG

The SIRG reviewed the above synopsis incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action, if deemed necessary.

This discussion resulted in the recommendation that no administrative action be taken against the SA [REDACTED] as a result of his involvement in this shooting incident.

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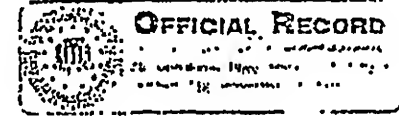
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There were no observations noted during the review of the shooting incident.

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**FEDERAL BUREAU OF INVESTIGATION****Electronic Communication**

Title: (U) SERIOUS ACCIDENT INQUIRY 09/13/2011

Date: 06/06/2013

To: INSPECTION (Route)

From: INSPECTION

DA-INSPECTION MANAGEMENT UNIT

Contact: [REDACTED]

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Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

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Case ID #: 297-HQ-A1271970-D (U) SHOOTING INCIDENTS

Synopsis: (U) The shooting Incident Review Group (SIRG) reviewed a serious accident that occurred on 09/13/2011, involving SA [REDACTED] of the Washington Field Office (WFO). While discussing the functionality of flash bang diversionary devices with another WFO SA, SA [REDACTED] was severely injured as he handled what he believed to be a used diversionary device. SIRG members unanimously recommended that no administrative action be taken against SA [REDACTED] as the result of his involvement in this flash-bang incident.

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Administrative Notes: (U) Reference Report of Former Inspector [REDACTED] dated 09/16/2011.

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This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned serious accident.

Details of the Serious Accident

By way of background, on 02/12/2011, the WFO Special Weapons and Tactics (SWAT) team took part in an operation in which three flash bang diversionary devices were utilized. At the time of the operation the WFO SWAT team utilized both the NICO flash bang and the Combined

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Re: 297-HQ-A1271970-D, 06/06/2013

device, and SA [] pulled the striker back on the NICO device body and inserted the spoon. SA [] placed a paper clip in the safety pin well of the device, securing the spoon in place. SA [] and SA [] discussed the amount of "give" or slack in the NICO's spoon versus the spoon in the CTS device. SA [] retrieved a CTS device body and spoon from the bag and pulled the striker back on the CTS device and inserted the spoon. SA [] placed a paper clip in the safety pin well of the device, securing the spoon in place. SA [] held the CTS device and SA [] held the NICO device as they discussed the difference in the devices.

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SA [] and SA [] discussed different techniques to safely deliver several devices simultaneously by a single operator. SA [] retrieved the second CTS device from the bag and held it close to his body in an attempt to insert the device spoon. SA [] noticed one of the prongs which secured the spoon, was damaged. He held the device in his left hand and pulled the hammer back with his right thumb, attempting to fasten the firing pin behind the remaining prong on the device. While SA [] attempted to reinsert the spoon, the firing pin came forward and struck the striker plate. SA [] had turned away from SA [] then heard the detonation of the device. As he turned back he saw SA [] standing up and looking at his hand. SA [] had powder burns on his hand and face. He looked down, grabbed his side, and fell to the ground. SA [] applied pressure to a wound on his side and SA [] removed his shirt and used it to apply additional pressure.

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SA [] was seated in Squad CI-14 area when she heard the device detonate. After she determined an accident had occurred, SA [] called 9-1-1. Her call was routed to the WFO Command and Tactical Operations Center (CTOC) and she was asked for her name and telephone number by the operator. WFO Occupational Health Nurse (OHN) [] called SA [] and asked her to describe what happened.

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WFO CTOC Specialist [] received the call

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from SA [] and called the WFO Nurse's Station before she called 9-1-1.

After speaking with OHN [] CTOC Specialist [] called 9-1-1, provided the building address and requested an ambulance. Since CTOC Specialist [] was unable to provide details to the 9-1-1 operator, she transferred the call to the WFO Nurse's Station. The WFO Nurse's Station did not answer the telephone, the call went to voicemail and CTOC Specialist [] had already disconnected. The 9-1-1 operator never received the details of the accident. Two Emergency Medical Technicians, SAs [] and [] and two Paramedics, SAs [] and [] responded to the scene and provided treatment along with OHN [] until an ambulance arrived.

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An ambulance from the Washington D.C. Fire Department (WDCFD) arrived with a gurney to transport SA [] but did not have the necessary medical supplies to properly treat him. The ambulance was only a Basic Life Support Unit and the medics were not sufficiently trained to treat SA [] injuries. The WDCFD personnel advised they were not provided specific information regarding the injury prior to their arrival and would have to wait for the arrival of additional WDCFD personnel. As a result, SA [] and OHN [] requested SA [] be transported immediately to George Washington University Hospital. While en route to the hospital, OHN [] and SAs [] continued to provide emergency medical treatment to SA []

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WFO SWAT was provided a document titled, []
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[] by the SWAT Operations Unit (SOU), CIRG. This 29 page document served as a training aid for the mandatory annual certification on [] device.

Bullet three, page nine of the manual stated, "Once deployed,

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[REDACTED]
[REDACTED] This paragraph was followed by
bullet four which read, [REDACTED]
[REDACTED]

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On 09/14/2011, Unit Chief (UC) [REDACTED] and Training Specialist (TS) [REDACTED] (SOU), were interviewed by the Serious Accident Investigation Team (SAIT). TS [REDACTED] advised [REDACTED] device had [REDACTED] and a partial detonation was not possible. TS [REDACTED] stated, without visual inspection of the device, a hang fire could have occurred during the February 2011 SWAT operation. A hang fire occurs when the striker does not strike the percussion primer and, therefore, the delay element and main charge of the device are never ignited.

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On 09/14/2011, SOU issued a bulletin to all SWAT Team Leaders and the Laboratory Division implementing new procedures which prohibit use of the device as an inert training aid. Deployed DD bodies must be disposed of. (SWAT Operator Plans and Power Point Training Presentations have been edited to reflect this change in policy.) If training DD's are required, the Field Office can purchase the [REDACTED]

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[REDACTED] This is a re-loadable system.

TS [REDACTED] advised the proper visual inspection of [REDACTED] device is not the hammer resting on the primer and the detachment of the spoon and pin from the body, but the discoloration of the bottom of the device. TS [REDACTED] further stated a hang fire may occur and create a "light" indentation on the primer, but does not strike the primer hard enough to ignite the element and main charge.

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On 11/28/2012, the SIRG met to discuss the above-captioned shooting incident. Former Deputy Assistant Director Cory B. Nelson, Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: Former Chief

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Title: (U) SERIOUS ACCIDENT INQUIRY 09/13/2011
Re: 297-HQ-A1271970-D, 06/06/2013

Inspector Eric S. Birnbaum, Office of Inspections (OI), INSD; [redacted]
[redacted] Trial Attorney, Criminal Division, United States Department of
Justice (USDOJ); [redacted] Trial Attorney, Civil Rights Division,
USDOJ; Section Chief (SC) Jayne L. Challman, Violent Criminal Threat
Section, Criminal Investigative Division; SC Gregory D. Cox, Global
Section, Counterintelligence Division; Supervisory Special Agent (SSA)
[redacted] Squad CR-2, Washington Field Office; SSA [redacted]
[redacted] Practical Applications Unit, Training Division (TD);
SSA [redacted] Investigative Law Unit, Office of the General
Counsel; SSA [redacted] Evidence Response Team, Laboratory
Division; SSA [redacted] Special Weapons and Tactics (SWAT)
Operations Unit; Critical Incident Response Group (CIRG); SSA [redacted]
[redacted] Firearms Training Unit, TD; and SSA [redacted]
Defensive Systems Unit, TD. The following non-voting members were also
in attendance: Inspectors [redacted]
[redacted] Robert J. Shields, Jr., and [redacted] OI,
INSD; Assistant Inspector [redacted] OI, INSD; SSA [redacted]
[redacted] INSD; Unit Chief [redacted] SWAT Operations Unit, CIRG;
[redacted] Occupational Safety and Environmental Programs Unit;
Facilities and Logistics Services Division; and Management and Program
Analyst [redacted] Inspection Management Unit, OI, INSD.

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Observations and Recommendations of the SIRC

The SIRC reviewed the above synopsis incident with the intent
to: (1) provide the Director with an evaluative analysis,
observations, and recommendations for corrective actions (if any); (2)
provide recommendations concerning training and/or safety issues; and
(3) provide recommendations for administrative action if deemed
necessary.

This discussion resulted in the recommendation that no
administrative action be taken against the Agent as a result of his
involvement in this serious accident.

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Title: (U) SERIOUS ACCIDENT INQUIRY 09/13/2011
Re: 297-HQ-A1271970-D, 06/06/2013

SIRG members unanimously adopted the following observations and recommendations of the SIRT:

INSPECTOR'S OBSERVATIONS:

Issue #1: [REDACTED]
[REDACTED] by the SWAT Operations Unit (SOU), Critical Incident Response Group provided conflicting guidance.

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Analysis: Bullet three, page nine of the manual stated, "Once deployed, the [REDACTED]

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[REDACTED] This paragraph was followed by bullet four which read, [REDACTED]
[REDACTED]

On 09/14/2011, SOU issued a bulletin to all SWAT Team Leaders and the Laboratory Division implementing new procedures for the device. Bullet one of the document stated, [REDACTED]
[REDACTED]

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Instruction #1: AD, CIRG ensure SOU set and document policy officially prohibiting the use of the [REDACTED] This

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policy will include a Standard Operating Procedure (SOP) detailing the steps to determine if [] has been fully detonated. This procedure will include and standardize the following:

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1. Standards for operator level visual inspection of a device in order to determine if the device has been detonated.
2. SOP for the clearing, removal and safe rendering of a suspected hang fire or malfunctioning device by qualified personnel.
3. Mandate all SWAT teams train to the new standards within 60 days of the date of publication.

Issue #2: WFO personnel were not able to call 9-1-1 directly. Emergency telephone calls were routed through the WFO Command and Tactical Operations Center (CTOC).

Analysis: On 09/13/2011, at approximately 1:20 p.m., SA [] was seated in the CI-14 squad area when she heard the device detonate. After she determined an accident had occurred, SA [] called 9-1-1. Her call was routed to the CTOC and she was asked for her name and telephone number by the operator. WFO Occupational Health Nurse [] called SA [] and asked her to describe what happened.

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WFO CTOC Specialist [] received the call from SA [] and called the WFO Nurse's Station before she called 9-1-1.

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After speaking with Nurse [] CTOC Specialist [] called 9-1-1, provided the building address and requested an ambulance. Since CTOC Specialist [] was unable to provide details to the 9-1-1 operator, she transferred the call to the WFO Nurse's Station. The WFO Nurse's Station did not answer the telephone and CTOC Specialist [] had already disconnected from the call. The 9-1-1 operator never received the details of the accident.

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Emergency Medical Services (EMS) arrived with a gurney to transport SA [REDACTED] but did not have the necessary medical supplies to properly treat him. The ambulance was only a Basic Life Support Unit and the medics were not sufficiently trained to treat SA [REDACTED] injuries. The EMS personnel advised they were not provided specific information regarding the injury prior to their arrival. Had they been provided detailed information, they would have sent a supervisor and a paramedic unit.

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Recommendation #1: That ADIC, WFO allow direct 9-1-1 calls and not route emergency calls through the CTOC.

Issue #3: Inspection of the DD by qualified personnel was not conducted after ERT collected the DDs on 02/12/2011.

Analysis: [REDACTED]

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Recommendation #1: That ADIC, WFO should standardize and document procedures to clear and render safe all deployed devices. Visual inspection of a device by individual SWAT operators may not be sufficient to ensure the safety of all those who come in contact with the device after its deployment, as misfires may occur. All SWAT operators should be mandated to review the CIRG SOU lesson plan regarding the handling requirements of the [REDACTED]

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FEDERAL BUREAU OF INVESTIGATION

Lead Report

Precedence: Routine
Lead Type: Action
Deadline: 08/22/2013
Lead Number: 4

Date: 06/23/2013

From: INSPECTION
DA-INSPECTION MANAGEMENT UNIT
Contact: [REDACTED]

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Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

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Case ID #: 297-HQ-A1271970-D (U) SHOOTING INCIDENTS

Reference: 297-HQ-A1271970-D Serial 70

Details: (U) That no administrative action be taken against SA [REDACTED]
[REDACTED] as a result of his involvement in this serious
accident.

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Re: 297-HQ-A1271970-D

Lead: 4, 06/23/2013

Location

To: DA-INSPECTION

Recipient: DA-INSPECTION

Attn: Acting Assistant Director Robert J. Shields, Jr.

Status: Covered

Coverages:

06/23/2013 by SHIELDS ROBERT J JR

Reference: 297-HQ-A1271970-D Serial 70

(U) Read and Cleared

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